

\*\*Original filed 8/16/06\*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HERBERT RUSSELL, JR.,	)	No. C 06-0106 JF (PR)
	)	
Petitioner,	)	ORDER DENYING MOTION
	)	TO PROCEED IN FORMA
vs.	)	PAUPERIS WITHOUT
	)	PREJUDICE; GRANTING
	)	EXTENSION OF TIME TO
SUPERIOR COURT, SAN JOSE,	)	FILE IN FORMA PAUPERIS
	)	APPLICATION OR PAY
Respondent.	)	FILING FEE
	)	
	)	(Docket No. 3)

On January 10, 2006, Petitioner filed the instant pro se habeas corpus petition pursuant to 28 U.S.C. § 2254. On that same day the Court sent a notification to Petitioner that he had neither paid the filing fee nor submitted a completed application for leave to proceed in forma pauperis. The Court provided a copy of the correct form for application to proceed in forma pauperis, along with a return envelope, instructions, and a notification that the case would be dismissed if Petitioner failed to pay the fee or file the completed application within thirty days.

On January 31, 2006, Petitioner submitted an application to proceed in forma pauperis. However, the application is incomplete because Petitioner failed to include a

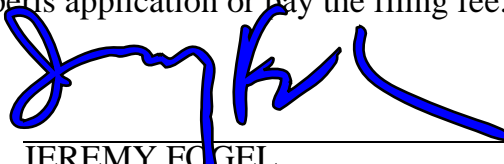
1 certificate of funds signed by an authorized prison official and a copy of his trust account  
2 statement for the past six months.

3 Petitioner's incomplete application to proceed in forma pauperis (docket no. 3) is  
4 DENIED without prejudice. The Court will extend the time for Petitioner to submit the  
5 certificate of funds and copy of his trust account statement or pay the \$5.00 filing fee.  
6 The completed application and accompanying documentation must be filed with the Court  
7 within **thirty days** from the date of this order.

8 In the alternative, Petitioner may pay the \$5.00 filing fee. Petitioner shall include  
9 with his payment a clear indication that it is for this case number, C 06-0106 JF (PR).  
10 Failure to submit the completed in forma pauperis application or pay the filing fee within  
11 the Court's deadline will result in the Court dismissing the case without prejudice for  
12 failure to file a completed in forma pauperis application or pay the filing fee.

13 IT IS SO ORDERED.

14 DATED: 8/16/06

  
JEREMY FOGEL  
United States District Judge

1 A copy of this ruling was mailed to the following:

2  
3 Herbert Russell, Jr.  
4 T-72288  
5 Pelican Bay State Prison  
6 P.O. Box 7500  
7 Crescent City, CA 95531-7500  
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